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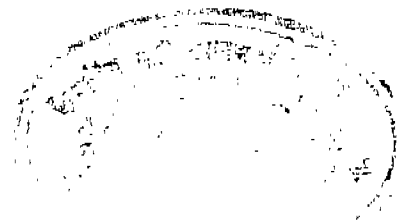
असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 30th November, 1999:—

I

BILL No. XXXVI OF 1999

A Bill further to amend the Indian Majority Act, 1875.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Indian Majority (Amendment) Act, 1999.

Short title.

9 of 1875.

2. In the Indian Majority Act, 1875 (hereinafter referred to as the principal Act), in the preamble, for the words “to prolong the period of nonage, and to attain more uniformity and certainty respecting the age of majority that now exists”, the words “to specify the age of majority” shall be substituted.

Amendment of preamble.

Amendment of
section 1.

3. In section 1 of the principal Act, the word “Indian” shall be omitted.

Substitution of
new section for
sections 3 and
4.

4. For sections 3 and 4 of the principal Act, the following section shall be substituted,
namely:—

Age of
majority of
persons
domiciled in
India.

“3. (1) Every person domiciled in India shall attain the age of majority on his
completing the age of eighteen years and not before.

(2) In computing the age of any person, the day on which he was born is to be
included as a whole day and he shall be deemed to have attained majority at the
beginning of the eighteenth anniversary of that day.”

STATEMENT OF OBJECTS AND REASONS

The Indian Majority Act, 1875 which is a Central Act of general application and importance has been on the statute book for more than a century and the same needed review.

2. The Government of India has received representations against the prescription of different ages for attaining the age of majority in respect of minors under guardians appointed or declared by a Court of Justice, etc., at 21 years and others at 18 years. Section 3 of the Indian Majority Act, 1875, *inter alia*, provides that the age of majority in respect of minors whose person or property, or both, a guardian, other than a guardian for a suit, has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years or in respect of minors whose property the superintendence of which has been or shall be assumed by any Court of Wards before the minor has attained the age of eighteen years shall be twenty-one years. The representations have been examined by the Government and it is found that there is no justification in discriminating the minors under the guardians appointed or declared by a Court of Justice, etc., as stated above from the other minors. It is, accordingly, proposed to amend section 3 of the Act prescribing a uniform age of majority of eighteen years for all minors. The Act has also been reviewed and certain archaic and redundant expressions and provisions are proposed to be omitted.

3. The Bill seeks to achieve the above objects.

RAM JETHMALANI.

II

BILL No. XXXVII OF 1999

A Bill further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Marriage Laws (Amendment) Act, 1999.

Amendment of
section 5 of
Act.

2. In section 5 of the Hindu Marriage Act, 1955, in clause (ii), in sub-clause (c), the words "or epilepsy" shall be omitted.

25 of 1955.

Amendment of
section 4 of Act.

3. In section 4 of the Special Marriage Act, 1954, in clause (b), in sub-clause (iii), the words "or epilepsy" shall be omitted.

43 of 1954.

STATEMENT OF OBJECTS AND REASONS

Based on the recommendations of the Law Commission of India as contained in their Fifty-ninth Report on "Hindu Marriage Act, 1955 and Special Marriage Act, 1954", section 5 of the Hindu Marriage Act, 1955 and section 4 of the Special Marriage Act, 1954 were amended *vide* the Marriage Laws (Amendment) Act, 1976 so as to remove the doubts about the degrees of lunacy. Ever since the aforesaid amendment came into force, the Central Government have been receiving representations from eminent medical experts, jurists and Members of Parliament for omission of references to "epilepsy" contained in the aforesaid Acts of 1955 and 1954 on the ground that medical experts have found that epilepsy is fairly well controllable in a majority of cases and the patients can lead a normal life and, therefore, equating "epilepsy" to "insanity" would do great injustice to patients suffering from epilepsy in matrimonial matters. The grounds for annulling a marriage by a decree of nullity as contained in section 12 of the Hindu Marriage Act, 1955 refers to section 5(ii) thereof. Similarly, the grounds for declaring a marriage as null and void by a decree of nullity as contained in section 24 of the Special Marriage Act, 1954 refers to section 4(b) thereof. Hence, the removal of references to "epilepsy" in section 5(ii) of the Hindu Marriage Act, 1955 and section 4 (b) (iii) of the Special Marriage Act, 1954 has the effect of non-availability of the ground of epilepsy for getting a decree of nullity of the marriage as well. In order to mitigate the hardships of the persons suffering from epilepsy on account of the aforesaid provisions, necessary amendments to remove references to "epilepsy" in the 1955 and 1954 Acts are proposed.

2. The Bill seeks to achieve the above objects.

RAM JETHMALANI.

III

BILL No. XXXVIII OF 1999

A Bill further to amend the Administrators-General Act, 1963.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Administrators-General (Amendment) Act, 1999.

Short title.

2. In section 9, section 10, section 29 and section 36 of the Administrators-General Act, 1963, for the words "fifty thousand", wherever they occur, the words "two lakhs" shall be substituted.

Amendment of sections 9, 10, 29 and 36 of Act 45 of 1963.

STATEMENT OF OBJECTS AND REASONS

Section 29 of the Administrators-General Act, 1963 provides for issue of a certificate to a claimant claiming assets of a deceased otherwise than as a creditor. However, a certificate can be granted by the Administrator-General under this section only in cases where the assets left by the deceased person (excluding any sum of money deposited in a Government savings bank or any provident fund to which the Provident Funds Act, 1925 applies) did not at the date of the death exceed in value in the whole the monetary limit specified in the section. In the Act as originally enacted in 1963, the monetary limit specified in the section was only Rs. 5,000. The Act was amended in 1972 and 1983 enhancing the said monetary limit from Rs. 5,000 to Rs. 15,000 and from Rs. 15,000 to Rs. 50,000 respectively.

2. Representations have since been received for enhancing the aforesaid monetary limit in section 29 of the Administrators-General Act, 1963 from Rs. 50,000 to Rs. 2,00,000 on account of the decrease in the money value and also the escalation of value of assets. It is, therefore, proposed to increase the monetary limit from Rs. 50,000, as at present, to Rs. 2,00,000 by suitably amending the reference to monetary limit in sections 9, 10, 29 and 36 of the said Act.

3. The Bill seeks to achieve the above objects.

RAM JETHMALANI.

R. C. TRIPATHI,
Secretary-General.

